

**IN THE DRAWINGS:**

Applicant submits, in Appendix A attached herewith, replacement sheets 1, 2, 3, and 5, containing amended Figures 1, 3, 4 and 6, respectively. Original Figures 1, 2, 3, and 5 are shown in Appendix B.

## REMARKS

Claims 1-16 are pending and stand rejected. Claims 1-5, 10, 11, and 14-16 have been amended. No new matter has been added.

The examiner has objected to the drawings in that the only the original Figures 1, 3, 4 and 6 were provided in the prior Office Action response.

Applicant thanks the examiner for his observation and has provided, in Appendix A, replacement sheets, properly annotated, that include amended Figures 1, 3, 4 and 6. Applicant has also provided, in Appendix B, copies of the originally filed drawings which are to be replaced.

Having made the corrections indicated in the drawings and properly annotated replacement sheets, applicant submits that the reason for the examiner's objection has been overcome. Applicant respectfully requests entry of the amended drawings and withdrawal of the objection.

Claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15 stand rejected under 35 USC 102(b) as being anticipated by De Jonge (USP No. 5,467,380).

Applicant respectfully disagrees with the examiner. However, in the interest of advancing the prosecution of this matter, applicant has elected to amend the independent claims to more clearly state the invention. More specifically, applicant has amended claim 1, for example, to recite that the statistics are "from a spatial spread of a set of original pixel values ( $P_i, M_i$ )." No new matter has been added. Support for the amendment may be found in claim 3.

De Jonge, on the other hand, discloses a system for noise filtering by time averaging values among a plurality of images. More specifically, De Jonge teaches that "[a] weighted average of pixel values for a time-sequence of successive images is ...computed from the time-sequence of images  $I_{1..5}$ ." (col. 4 lines 61-63). De Jonge then shows, in Fig.1, how a weighted time-average of the information in a selected one (the third image) of five images is obtained by applying the weights to corresponding pixels among the five images. The result is a filtered image as 100 percent of the selected image ( $I_3$ ) with different weights for the two prior ( $I=4,5$ ) and two subsequent ( $I=1,2$ ) images. Hence, De Jonge filters corresponding pixels in a plurality of images, which are time displaced.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

De Jonge fails to disclose "determining (11) statistics from a spatial spread of a set of original pixel values ( $P_i, M_i$ )" as is recited in claim 1. Accordingly, De Jonge can not be said to anticipate the present invention as De Jonge does not disclose all the material elements recited. Applicant, accordingly, submits that claim 1 is patently distinguishable from the teachings of De Jonge and respectfully requests reconsideration, withdrawal of the rejection, and allowance of the claim.

With regard to independent claim 15, this claim was rejected for the same reason the examiner recited in rejecting claim 1. However, applicant has amended this claim in a manner similar to that made with regard to claim 1. Accordingly, for the amendment made to the claim and for the remarks made with regard to claim 1, which are applicable and repeated herein, applicant submits that claim 15 includes subject matter not disclosed by De Jonge and, thus, is patently distinguishable from, and allowable over, the teachings of De Jonge.

Applicant submits that the reason for the examiner's rejection have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection, and allowance of claim 15.

With regard to claims 2-3 and 5-13, these claims ultimately depend from independent claim 1, which has been shown to be allowable over the cited reference. Accordingly, claims 2-3, and 5-13 are also allowable by virtue of their dependence from an allowable base claim.

Claim 4 stands rejected pursuant to 35 USC §103(a) as being unpatentable over De Jonge in view of USP No. 5,486,863 to Auyeung.

Applicant respectfully disagrees, with and explicitly traverses, the examiner's reason for rejecting the claim.

As discussed above, De Jonge fails to discuss determining statistics "from a spatial spread of a set of original pixel values ( $P_i, M_i$ )."

Auyeung discloses a method for determining whether to intra code a video block. The Auyeung device calculates a present block deviation value from an average pixel value and actual pixel values obtained for each of a plurality of subblocks. A comparison is then made between the present block deviation and an error deviation of a best match video block to determine whether the present video block is to be encoded. Auyeung fails to disclose that the "original pixel values ( $P_i, M_i$ ) are weighted (13) under control ( $12, \alpha$ ) of the statistics (11)," as is recited in the claims. Although Auyeung discloses a method of computing an "absolute value of the difference between the average pixel value and each pixel value in the current block, (see col. 2, lines 12-15), Auyeung discloses that this is one method that may be used and further teaches that such operation is computationally-intensive (see col. 2, lines 28-30, which state in "the cost of the SOAD for the current block alone is more than 12 million operations per second. This cost is very high."). Hence, in fact, Auyeung teaches away from performing such an operation as this processing cost is too high.

Accordingly, one would not be motivated to combine the teachings of De Jonge and Auyeung to develop the features recited in claim 4, as Auyeung teaches away from such a feature.

Having shown that neither De Jonge nor Auyeung, individually or in combination, disclose, suggest or provide the motivation for one skilled in the art to develop the novel features recited in claim 4, applicant submits that the reason for the examiner's rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claim.

Claims 14 and 16 stand rejected pursuant to 35 USC §103(a) as being unpatentable over Kessen (USP No. 5,055,927) in view of De Jonge.

Applicant respectfully disagrees, with and explicitly traverses, the examiner's reason for rejecting the claim.

Kessen discloses a two channel system for conveying high definition information. More specifically, the first channel conveys relatively low spatial resolution

and an auxiliary second channel that conveys relatively high spatial resolution video information. The high spatial resolution information is filtered by filter 9. However, Keesen fails to provide any teaching regarding a filtered pixel obtained by "determining statistics from a spatial spread of a set of original pixel values ( $P_i, M_i$ )," as is recited in the claims.

As discussed previously, De Jonge fails to disclose "determining statistics from a spatial spread of a set of original pixel values ( $P_i, M_i$ )," as is recited in the claims. Accordingly, even if one were to combine the teachings of Keesen and De Jonge, the combined device would not include all the elements claimed in claims 14 and 16.

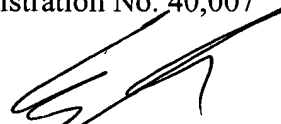
Having shown that neither Keesen nor De Jonge, individually or in combination, disclose, suggest or provide the motivation for one skilled in the art to develop the novel features recited in claims 14 and 16, applicant submits that the reason for the examiner's rejection of the claims has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

Although the last Office Action was made final, this amendment should be entered. The claims have been amended to state that the statistics are based on a spatial spread of a set of original pixels for the purpose of assisting the examiner to better understand the matter being claimed. Since only explanatory functional language have been added, no matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).


For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: October 27, 2004

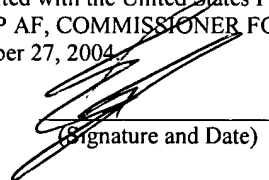
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